

AMENDED IN SENATE MAY 12, 2004

AMENDED IN SENATE APRIL 28, 2004

**Senate Joint Resolution**

**No. 29**

**Introduced by Senator Kuehl**

*(Coauthors: Senators Alpert, Escutia, Ortiz, Romero and  
Torlakson)*

*(Coauthors: Assembly Members Chavez and Pavley)*

April 14, 2004

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Senate Joint Resolution No. 29—Relative to food marketing and advertising directed to children.

LEGISLATIVE COUNSEL'S DIGEST

SJR 29, as amended, Kuehl. Food marketing and advertising directed to children.

This measure would request ~~specified~~ federal officials and entities and private industries to take various actions concerning foods and beverages that are advertised or marketed to children.

Fiscal committee: no.

1 WHEREAS, California is in the midst of a growing epidemic  
2 of overweight children and childhood obesity due to poor diet and  
3 physical inactivity, putting growing numbers of California  
4 children at increased risk for type II diabetes, hypertension, heart  
5 disease, and cancer, along with psychosocial problems including  
6 low self-esteem, poor body image, and symptoms of depression;  
7 and

8 WHEREAS, A recent study showed that 26.5 percent of  
9 California youth in grades 5, 7, and 9 are overweight, with rates

1 being even higher for African-American children (28.6 percent)  
2 and Latino children (33.7 percent); and

3 WHEREAS, In California, annual obesity-attributable medical  
4 expenditures were estimated at \$7.7 billion in 2003, with  
5 approximately one-half of these expenditures financed by  
6 Medicare and Medi-Cal; and

7 WHEREAS, Healthy eating and physical activity, including  
8 eating five or more servings of fruits and vegetables every day, are  
9 vital to preventing people from being overweight or suffering from  
10 heart disease, cancer, or diabetes, and ensuring children's health  
11 and well-being; and

12 WHEREAS, Poor diet and physical inactivity are responsible  
13 for 400,000 deaths in the United States annually and may soon  
14 overtake tobacco as the leading cause of *preventable* death; and

15 WHEREAS, The growing epidemic of childhood obesity has  
16 brought renewed attention to the role that food and beverage  
17 advertising and marketing play in negatively influencing eating  
18 habits of youth; and

19 WHEREAS, The food, beverage, and restaurant industries  
20 recognize children as a major market force because of their  
21 spending power, purchasing influence, and anticipated brand  
22 loyalty as adult consumers, with children under 14 years of age  
23 purchasing \$24 billion in products and influencing \$190 billion in  
24 family purchases each year; and

25 WHEREAS, Children are being exposed to increasing amounts  
26 of marketing and advertising, with \$15 billion spent marketing to  
27 children in the United States in 2002, double the amount spent in  
28 1992; and

29 WHEREAS, The food, beverage, and restaurant industries  
30 utilize multiple strategies to market their products to children,  
31 including television advertising, in-school marketing, the Internet,  
32 product placements, toys, books, and clothes with food-brand  
33 logos, contests, celebrity and cartoon spokespeople, and child  
34 targeted in-store and restaurant promotions; and

35 WHEREAS, Children view an estimated 40,000 commercials  
36 each year, 50 percent of which advertise food products—most  
37 often products that are high in calories, fats, sugars, and salt, with  
38 almost no references to fruits or vegetables. Children watch an  
39 average of one food commercial every five minutes of television  
40 viewing time, and as many as three hours of food commercials



each week. Latino and African-American children are exposed to more television food advertising than other children; and

WHEREAS, In-school marketing of food and beverages has become increasingly prevalent in recent years and includes: (1) product sales, including sales through vending machines, a la carte, snack bars, soft drink “pouring-rights” agreements through exclusive contracts, branded fast food, and fundraisers; (2) direct advertising, such as food and beverage ads in schools; and (3) indirect advertising, such as corporate-sponsored educational programs, sports team sponsorships, and incentive programs using contests and coupons; and

WHEREAS, The majority of the foods and beverages sold in school vending machines and school stores are calorically dense and low in nutrients, which promotes purchasing and consumption of these foods while children are away from their parents in a captive environment that is supposed to be dedicated to education; and

WHEREAS, Studies show that food advertising and marketing result in more favorable attitudes, preferences, and behaviors among children towards the advertised products and that children’s food preferences and food purchase requests for high sugar and high fat foods are influenced by television exposure to food advertising; and

WHEREAS, Parents face increasing strain between their desire to feed their children well and the intense marketing of high calorie, low-nutrition food and beverages to their children; and

WHEREAS, In 2003, the World Health Organization concluded that the extensive marketing to children of fast food and high calorie, micronutrient-poor foods and beverages ~~are~~ *is* a probable causal factor for the accelerating global trend in weight gain and obesity; and

WHEREAS, Children are particularly vulnerable to marketing of unhealthy foods and beverages because children under the age of 4 or 5 years cannot distinguish between television programming and advertisements, and children age 8 and under are unable to comprehend the persuasive intent and biased nature of advertising, making advertising to young children fundamentally unfair; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the Legislature of the State of California

1 ~~memorialize~~ *memorializes* the Congress and the President of the  
2 United States to require the Federal Trade Commission to (1)  
3 develop and implement nutrition standards for foods and  
4 beverages that are acceptable to advertise or market to children,  
5 including foods and beverages that make a positive contribution  
6 to children's diets and health by being moderate in portion size,  
7 calories, saturated fat, trans fat, refined sugars, and sodium, and  
8 provide key nutrients and (2) prohibit advertising and marketing  
9 of foods and beverages that do not meet those standards through  
10 broadcast, print, Internet, or other marketing venues for which a  
11 significant portion of the audience is children; and be it further

12 *Resolved*, That the Legislature ~~memorialize~~ *memorializes* the  
13 Congress and the President of the United States to require the  
14 Federal Communications Commission to ensure that equal time is  
15 given during television programs that have a significant youth  
16 audience to encourage fruit and vegetable consumption and  
17 physical activity, and discourage consumption of low nutrient  
18 foods and beverages. These messages must be produced and  
19 delivered by individuals and organizations that have no financial  
20 interest in the message; and be it further

21 *Resolved*, That the Legislature memorializes the Congress and  
22 the President of the United States to fund *new and existing* media  
23 campaigns to promote healthy eating and physical activity, ~~like~~  
24 *such as* the Centers for Disease Control and Prevention's VERB  
25 campaign and the National 5 A Day program; and be it further

26 *Resolved*, That the Legislature memorializes the Centers for  
27 Disease Control and Prevention and the National Institutes of  
28 Health to fund research studies to further assess the effects of food  
29 and beverage advertising and marketing on the diets and health of  
30 children and adolescents; and be it further

31 *Resolved*, That the Legislature calls on food and beverage  
32 companies, restaurants, retail stores, advertising agencies, sports  
33 and entertainment industries, and print, broadcast, and Web-based  
34 media operating in California to adhere to a voluntary code of  
35 practice, developed by experts, that would contain guidelines and  
36 standards for responsible food and beverage advertising and  
37 marketing aimed at children; and be it further

38 *Resolved*, That the Secretary of the Senate transmit copies of  
39 this resolution to the President and Vice President of the United  
40 States, the Speaker of the House of Representatives, the Majority



- 1 Leader of the Senate, and each Senator and Representative from
- 2 California in Congress.

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